

**DECLARATION, POWER OF ATTORNEY, AND PETITION**

We, **CARL T. WITTWER, KIRK M. RIRIE, RANDY P. RASMUSSEN AND DAVID R. HILLYARD**, declare: that we are citizens of the United States of America; that our residence and post office addresses are shown below adjacent to our names; that we verily believe we are the original, first, and sole inventors of the subject matter of the invention entitled **SYSTEM AND METHOD FOR CARRYING OUT AND MONITORING BIOLOGICAL PROCESSES**, for which a patent is sought and which is described and claimed in the specification filed in the United States Patent and Trademark Office on June 4, 1997 as Serial No. 08/869,275 (We hereby authorize the attorneys of THORPE, NORTH & WESTERN to fill in said serial no. when known); that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We hereby claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed U.S. Patent Application Serial No. 08/658,993, filed June 4, 1996 entitled System And Method For Monitoring PCR Processes which is a continuation-in-part of U.S. Patent Application Serial No. 08/537,612, filed October 2, 1995, entitled Method For Rapid Thermal Cycling of Biological Samples which is a continuation-in-part of U.S. Patent Application Serial No. 08/179,969, filed January 10, 1994 (now U.S. Patent No. 5,455,175), entitled Rapid Thermal Cycling Device which is a continuation-in-part of U.S. Patent Application Serial No. 07/815,966 filed January 2, 1992 (now abandoned) entitled Rapid Thermal Cycling Device which is a continuation-in-part of U.S. Patent Application Serial No. 07/534,029 filed June 4, 1990 (now abandoned), entitled Automated Polymerase Chain Reaction Device, and, insofar as the subject matter of each of the claims of these applications are

not disclosed in the earlier filed pending applications in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed applications and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys CALVIN E. THORPE, Registration No. 24928, VAUGHN W. NORTH, Registration No. 27930, M. WAYNE WESTERN, Registration No. 22788, GRANT R. CLAYTON, Registration No. 32462, ALAN J. HOWARTH, Registration No. 36,553, KARL R. CANNON, Registration No. 36,468, and DAVID O'BRYANT, Registration No. 39,793, all of the law firm of THORPE, NORTH & WESTERN located at 9035 South 700 East, Suite 200, Sandy, Utah 84070, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please refer to the below listed Attorney Docket No. in all correspondence:

T8816.CIP5

All correspondence should be directed to:

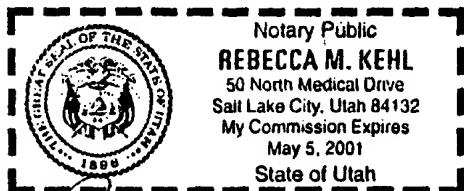
Customer No. 20451

All telephonic communications should be directed to:

Grant R. Clayton  
Telephone: 801/566-6633  
Facsimile: 801/566-0750

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the specification and claims, declaration, power of attorney, and this petition.

Signed at Salt Lake City, Utah, this 8 day of September, 1997.



*Rebecca M. Kehl*

Inventor

*Carl T. Wittwer*

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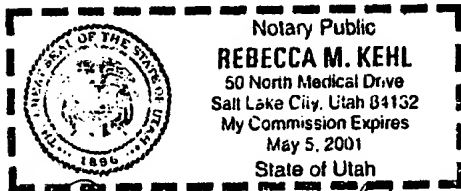
Signed at IDAHO FALLS, Idaho, this 2<sup>nd</sup> day of OCTOBER, 1997.

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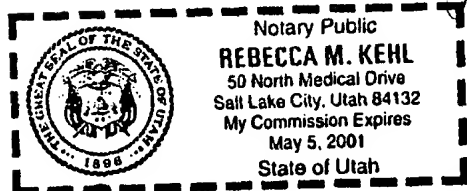
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Signed at Salt Lake City, Utah, this 23 day of September, 1997.



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